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N. Libertics, authorifed to pafs ordinances for regulating the markets holden on Sunday.

Repeal of part of a former law,

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tively, to make, ordain and pass fuch ordinance or ordinances as they may judge proper, for the better regulation of the Markets holden in the faid city and districts aforefaid on the first day of the week, commonly called Sunday.

Sec. 2. And be it further enacted by the authority aforefaid, That fo much of the act paffed the twenty-fecond day of April, one thousand feven hundred and ninety-four, entitled, an act for the prevention of vice and immorality, and for other purposes as relates to the fale of the neceffaries of life on the first day of the week, commonly called Sunday, fo far as it respects the city and districts aforefaid, be and the fame is hereby repealed.

SIMON SNYDER, Speaker

of the Houfe of Reprefentatives. ROBERT WHITEHILL, Speaker of the Senate.

APPROVED—the twenty-fifth day of. March in the year of our Lord one thousand eight hundred and five.

> THOMAS M'KEAN, Governor of the Commonwealth of Pennfylvania.

CHAPTER LVII.

An ACT for the better Regulation of the City of Philadelphia and Districts adjoining, and preferving the Navigation of the River Schuylkill.

Section 1. B E it enacted by the Senate and Houfe of Reprefentatives of the Commonwealth of Pennfylvania, in General Assembly met, and it is hereby enacted by the au-The court of thority of the fame, That the court of quarterquarter-fellions feffions of the county of Philadelphia, on being petitioned

petitioned to grant a view of or for opening of Philadelphia any fireet, lane or alley, within the city of county em-Philadelphia, fhall have power, and by virtue of grant views this act are directed and required, as often as of or for open-they judge it uleful, in open court, to order and within the city. appoint twelve difcreet and difinterested freehol- Proceeding in ders, neither of whom shall refide or own real such cases. estate in the city aforefaid, who, being first fworn or affirmed, shall, together with the commissioners of the county for the time being, or a majority of them, view the ground propofed for opening fuch ftreet, lane or alley, and if they, or any ten of them, view the faid ground, and any feven of the actual viewers, exclusive if any feven of the actual of the county commissioners, agree that there viewers excluis occafion for fuch ftreet, lane or alley to be o- five of the pened, they shall proceed to lay out the same, missioners aas agreeably to the defire of the petitioners as gree that there may be, in fuch manner as to do the leaft injury any freet, &c. to private property, and shall make report there- to be opened, of, stating particularly, whether they judge the they are to profame neceffary, together with a plot or draft the fame and thereof, to the next court of quarter-feffions; make report thereof to the and if then and there the court aforefaid fhall ap-next court of prove of the fame, it shall, at the next court Quarter-feffithereafter, be entered on record, and thence- If the court forth fhall be taken, deemed and allowed to be a approve of the public street, lane or alley, compensation being fame it shall be entered on refirst made to the owner of the ground or other cord and property, as herein-after directed: Provided, thenceforth be That no ftreet, lane or alley, fo opened, shall, lic ftreet, &c. in any cafe exceed, fifty feet in breadth.

Sec. 2. And be it further enacted by the au- of the ground thority oforefaid, That on the return of the viewers reporting in favour of opening any ftreet, fuffained by lane or alley, as aforefaid, and the fame being the owners of approved of by the court, at their next feffion ed to fuch ules, thereafter to which the report is returned, the are to be efficourt mated,

compensation being first made to the owner

court shall appoint twelve difcreet and difinterested freeholders, neither of whom shall reside or own real eftate within the city aforefaid, who, being first fworn or affirmed, thall enquire what damages the owner or owners of lands, houfe, houfes or other property shall or may fustain by reafon of the fame being taken, ufed and appropropriated for the purpose aforefaid : Provided always, That it shall be the duty of the faid freeholders in affeffing damages, to confider the advantages which may accrue to the owner or owners of fuch lands, houfe, houfes or other property by reafon of opening fuch ftreet, lane or alley.

The damages awarded, to be paid by the Treafurer of

Unicis the fame be paid within one year after the return made by the viewers, dings as aforefaid to be void.

pened or which may hereafter be opened in any ot the modes cnumer-

Sec. 3. And be it further enacted by the authority aforefaid, That upon the return of valuation and affefiment of damages, as aforefaid, for ground or other property taken and appropriatthe county, &c: ed for public ftreets, lane or alleys, within the city aforefaid, and the court of quarter-feffions of the county of Philadelphia having approved the fame, the amount of damages awarded, as aforefaid, shall be paid by the treasurer of the faid county, and fo foon as the faid damages are paid, the mayor of the faid city shall caufe fuch ftreet or other paffage to be opened, agreeably to the direction of the court: Provided always, That unlefs the fame fhall be paid within one year next after the return made by the viewers, all fuch proceedings as aforefaid shall be void and all fuch procee- of no effect whatever.

Sec. 4. And be it further enacted by the au-All freets, &c. thority aforefaid, That all ftreets, alleys, courts heretofore o- and lanes which have been heretofore laid out, opened and appropriated to public ufe by private perfons within the city of Philadelphia, and all those streets, courts and other passages which ated in this fie- shall be laid out and opened by order of the in*ipectors*

fpectors of the jail, on any of the city lots grant-tion, to be ed by the Commonwealth, by an act, entitled, an deemed highact to direct the fale of certain unimproved lots, the property of this Commonwealth, in the city of Philadelphia, and to appropriate the proceeds thereof towards the crection of a building for the purpose of more completely carrying into effect the penal laws of this state; and also all those streets, alleys, courts and lanes which shall hereafter be laid out, opened and appropriated to public use by private perfons: Provided the Proviso that fame be not less than twenty feet wide, shall, to the fame shall not be less than all intents and purpofes, be held, deemed, taken 20 feet wide. and be highways, as fully and completely, according to their extent, as any highways laid out by order of the court of quarter-fessions of any county within this Commonwealth.

Sec. 5. And be it further enacted by the authority aforefaid, That the felect and common The felect and councils of the faid city shall be authorised to common counmake all ordinances which they shall judge use- to make certain ful or neceffary for the forming, laying with article to freets broken stone or gravelling any of the streets, ac. alleys, courts or lanes within the faid city, which shall at any time by them be judged improper to order to be paved, and whenever the cart way of any fuch ftreet, court or other paffage shall be regulated, shaped and formed or when fo formed and laid with gravel or other hard fubstances, in either of those cafes the own- When the owners of the feveral lots which are bounded upon bliged to pave or adjoining any fuch ftreet, court or other paff- the foot ways age, shall be obliged to form or shape, or lay opposite to their respective with hard fubftances or gravel, the respective lots. footways opposite to their feveral lots, in fuch manner, at fuch time and under fuch penalties as shall be directed by the faid ordinances.

Sec. 6. An whereas the charter granted to the citizens of Philadelphia by William Penn, VOL. VII. (proprietor

(proprietor of Pennfylvania) on the twenty-fifth day of October, one thousand feven hundred and one, doth not grant to the citizens the fame right to occupy and use the ends of the ftreets which extend to the river Schuylkill which was granted on the river Delaware, and as fuch a public benefit will now be highly useful to the inhabitants of the faid city, and to other citizens of this Commonwealth, Therefore, Be it Further powers enacted by the authority aforefaid, That the corporation of the faid city shall be invested with all and fingular the powers and authorities, jurifdictions, rights and immunities in, to and over the ends of each and every public ftreet or alley which extends to or into the river Schuylkill, as fully to all intents and purposes, and to the like uses, as by the faid charter, or any law of this Commonwealth, is or are granted to the former or prefent corporation of the faid city, respecting the east ends of the feveral streets which extend to or into the river Delaware, that part of the west end of High-street, belonging to the bridge company only excepted.

Sec. 7. And be it further enacted by the au-The wardens of thority aforefaid, That the wardens of the port the port of Philadelphia shall be authorifed and empowtermine the ex- ered to fix and determine the extent or diffance which any perfon or perfons, or body or bodies, politic or corporate, who are the owner or. owners of lots or ground extending to the faid river Schuylkill, on either of its thores, from the lower falls thereof to its junction with the river Delaware may build wharves therein.

Sec. 8. And be it further enacted by the au-Penalty on per- thority aforefaid, That if any owner or owners of ons building any lot or lots of ground extending into the riwharves beyond low-wa- ver Schuylkill, from the lower falls thereof to ter mark with- its junction with the river Delaware, shall build out license, &c. any

ladelphia to detent to which wharves may be built into the river Schuylkill.

given to the

corporation.

any wharf, house, store or other building further into the faid river than to common low-watermark, without licenfe first had and obtained from the faid wardens, or further into the faid river than may be permitted by fuch licenfe, he, fhe or they being legally convicted of the fame fhall pay a fine of one thousand dollars, to be recovered with cofts as debts of the fame amount are or may be by law recoverable; one-half of which fine shall be paid to the guardians or overfeers of the poor of the city, district or township where fuch wharf, or building fhall be erected, and the other half to the perfon or perfons who fhall fue for and recover the fame.

Sec. 9. And be it further enacted by the authority aforefaid, That if any perfon or perfons Penalties for fhall erect or make any fence beyond the com- erecting fences beyond lowmon low-water-mark into the faid river, with-water mark out license first had and obtained from the faid without license wardens, he, fhe or they being legally convicted of the fame, shall for every fuch offence forfeit and pay a fine not exceeding twenty dollars; to be recovered with cofts as debts of the fame amount are or may be by law recoverable; one-half of which fine shall be paid to the overseers or guardians of the poor of the city, district or township as aforefaid, and the other half to the perfon or perfons who shall fue for and recover the fame.

SIMON SNYDER, Speaker of the Houfe of Representatives. ROBERT WHITEHILL, Speaker.

of the Senate.

APPROVED-the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and five.

> THOMAS M'KEAN, Governor of the Commonwealth of Pennsylvania.

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